Paul Alan Levy
plevy@citizen.org
Gregory Beck
gbeck@citizen.org
Public Citizen Litigation Group
1600 – 20th Street, NW
Washington, DC 20009
(202) 588-1000

Manatt, Phelps & Phillips, LLP
Jill M. Pietrini, Esq. (Bar No. 138335)
jpietrini@manatt.com
11355 West Olympic Boulevard
Los Angeles, CA 90064-1614
Telephone: (310) 312-4000
Facsimile: (310) 312-4224

Attorneys for Plaintiff
CAFEPRESS.COM, INC.

FILED
2008 JUL 16 PM 4: 16
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY ________

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CAFEPRESS.COM, INC., a Delaware corporation, Plaintiff, v. REPUBLICAN NATIONAL COMMITTEE, Defendant.	Case No. CV08-04654 GPS (RCx) **COMPLAINT FOR DECLARATORY RELIEF**

1. In this case, plaintiff CafePress.com, Inc. ("CafePress") seeks protection against a threat of trademark litigation by defendant Republican National Committee ("RNC"), which seeks to prevent supporters and opponents of the Republican Party from selling t-shirts, stickers, and other items that display a variety of expressive designs. Users of CafePress have created designs that praise Republicans, the Republican Party and Republican candidates, as well as attack

COPY

them, using both the acronym "GOP" and an elephant as symbols of the Republican Party or of Republican principles more generally. The RNC has registered trademarks in the acronym "GOP" as well as in a design of an elephant with three stars across its side. The RNC has warned CafePress that it is infringing RNC's trademarks by allowing its users to publish and sell t-shirts and other items bearing designs that express opinions about the Republican Party through the use of the acronym "GOP" and through a variety of elephant designs, and has threatened to sue for treble damages. Because the acronym "GOP" and the depiction of an elephant are generic ways to identify Republican candidates and principles, because the challenged designs make fair use of the RNC's trademarks, and because the First Amendment protects the right of all citizens to express their views about Republican candidates and principles through the use of that acronym and symbol, the Court should enter a judgment declaring that CafePress does not violate RNC's trademark rights by printing t-shirts and other materials bearing those designs and by allowing its users to sell such items through its website.

JURISDICTION

2. This action arises under the laws of the United States. This Court has subject matter jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1337, and 1338.

3. The RNC operates its commercially interactive website <www.rnc.org> which allows individuals to make donations, purchase products, and enroll in political education programs offered by RNC. On information and belief, RNC has a reasonable expectation that RNC's goods and services are to be purchased and used by California residents in this District.

4. Upon information and belief, RNC conducts business within the State of California, specifically in this District, and has a reasonable expectation of being sued in California, affording this Court personal jurisdiction over RNC.

5. RNC directed threats of litigation over the trademark claims on which CafePress seeks a declaratory judgment to CafePress in California.

6. Venue is proper under 28 U.S.C. §§ 1391(b) in this case because, on information and belief, RNC is subject to personal jurisdiction in this District and/or a substantial part of the events or omissions giving rise to the claim occurred in this District.

PARTIES

7. CafePress is a Delaware corporation having its principal place of business in San Mateo, California.

8. On information and belief, RNC is an unincorporated political association with a place of business in Washington, District of Columbia.

FACTS

A. CafePress' Business

9. CafePress is a privately owned company based in San Mateo, California. It is an internet service provider offering an automated service that allows its users, individuals and businesses, to set up virtual online shops and feature and offer for sale their products in a virtual online marketplace. The shops created by its users and the virtual online marketplace are hosted by CafePress.

10. CafePress provides a venue and capabilities for individuals, organizations and businesses to create, buy and sell customized merchandise online using the company's unique print-on-demand and e-commerce services. Currently, CafePress has over 6 million users who have created more than 150 million products on more than 90 customizable items ranging from apparel, yard signs, stickers, buttons, bags, prints, posters, cards, home and office accessories to music and data CDs and books. In a nutshell, CafePress provides blank merchandise that

its users customize with their own images, which are then sold to members of the public who want to communicate whatever message those images express.

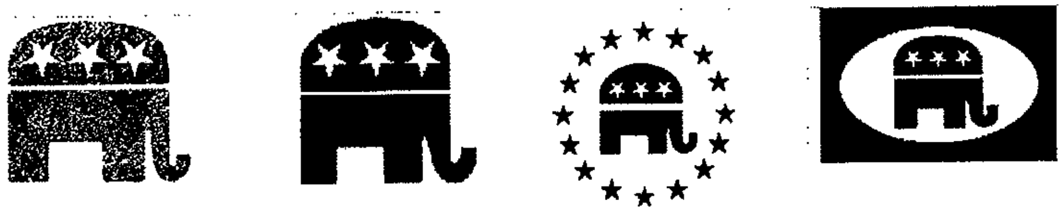
11. For example, a user can upload his digital image and create a sticker or t-shirt with the image displayed as artwork on the sticker or t-shirt. The user can then purchase the sticker or t-shirt he created for himself or offer the sticker or t-shirts for sale to others through his online store, hosted by CafePress. Although the stickers and t-shirts are visible as products within the user's online store and the CafePress marketplace, there is no physical inventory of the specific customized product; it is *only* created once an order has been placed for it. Once the order for the specific product has been placed, CafePress prints the digital image onto the blank products (*e.g.* the sticker or t-shirt) and ships the product to the user's customer. CafePress provides a wide range of blank products (buttons, yard signs, mugs, etc.) that users can customize with digital images.

B. RNC and Its Threatened Lawsuit

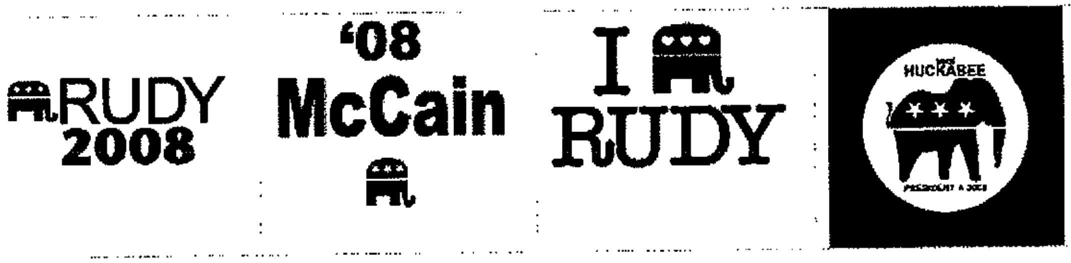
12. Many users of CafePress have opinions about the Republican Party, and about its candidates and principles, and have created thousands of different designs to express varying opinions about the Republican Party, Republican candidates, and Republican principles.

13. In order to express their views about the Republican Party, some CafePress users employ an elephant design or the acronym "GOP", which stands for the Grand Old Party. The term "Grand Old Party" has been in common usage since approximately 1876 to refer to groupings of Republicans, and the abbreviation "GOP" dates back to approximately 1884. The symbol of the elephant has been commonly used to refer to Republican principles, groupings of Republicans, and Republican candidates and office holders since Thomas Nast first portrayed Republicans as an elephant in a political cartoon in 1874.

14. Some CafePress users have expressed general support for the Republican Party or Republican principles by using the symbol of an elephant with three stars across its side entirely or largely by itself, as in the following examples:

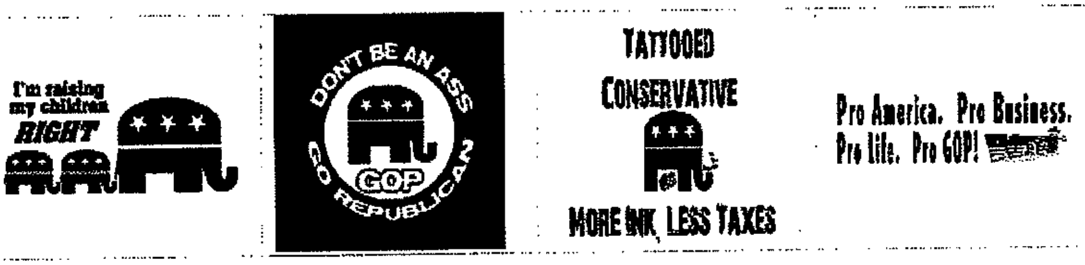


15. Some CafePress users have expressed support for Republican candidates by combining the symbol of an elephant with the name of a Republican candidate, as in the following examples:



RUDY 2008
'08 McCain
I RUDY
HUCKABEE

16. Some CafePress users have expressed support for the Republican Party or Republican principles by combining the symbol of an elephant and/or the acronym "GOP" with other words or other images, as in the following examples:



I'm raising my children RIGHT
DON'T BE AN ASS
GOP
GO REPUBLICAN
TATTOOED CONSERVATIVE
MORE INK, LESS TAXES
Pro America. Pro Business. Pro life. Pro GOP!

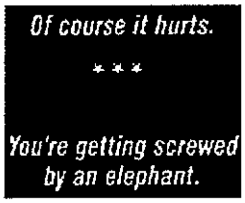
17. Some CafePress users have combined the symbol of an elephant with the name of a Democratic candidate or a characteristic associated with Democrats, either to express support of or scorn for Democrats, as in the following examples:

Hillary
LIBERALS
OBAMA
2008
RepublicansforObama.org

18. Some CafePress users have expressed disdain for Republicans or the Republican Party by combining the symbol of an elephant and/or the acronym "GOP" with other words and images, as in the following examples:

DON'T
VOTE REPUBLICAN

Where's Your "W" Sticker Now?
Wise Up! GOP



19. Since 1997, RNC has had a registered trademark in the acronym "GOP", and since 1995, it has had a registered trademark in an image of an elephant in red, white and blue with three stars across the top.

20. On February 11, 2008, RNC, through its Chief Counsel, Sean Cairncross, sent a cease and desist letter to CafePress, identifying RNC as the owner of trademark registrations in the acronym "GOP" and the name "Grand Old Party, as well as the "Official Elephant Logo," and attaching a list of 51 locations on the CafePress website where allegedly infringing uses of these marks were located. **Exhibit A**. These locations included each of the designs identified in paragraphs 14 through 18, as well as other similar designs. Each of the allegedly offending designs, excerpted from the website locations identified in the attachment to Exhibit A, is included in **Exhibit B**. Mr. Cairncross concluded his letter by inviting CafePress to contact him with any questions.

21. In response to RNC's cease and desist letter of February 11, 2008, CafePress made several attempts, by both email and fax, to contact RNC to discuss its contentions. When RNC did not respond to these inquiries, CafePress responded by letter dated March 7, 2008, asserting that both First Amendment and trademark laws protect the use of both the symbol of the elephant and the acronym "GOP" as part of political speech about the Republican Party, and urging that RNC discuss the matter with CafePress. A copy of this letter is attached as **Exhibit C**.

22. On March 11, 2008, RNC responded to CafePress' letter by reasserting RNC's trademark rights, and threatening to seek treble damages, but without responding to CafePress' First Amendment and trademark concerns. A copy of this letter is attached as **Exhibit D**.

23. On April 2, 2008, CafePress responded to RNC's March 11, 2008, letter, reasserting CafePress' defenses under both the First Amendment and trademark law as construed in light of First Amendment protections for non-commercial speech, citing cases upholding these arguments, and urging RNC to discuss these concerns to determine whether the parties could reach a compromise. A copy of this letter is attached as **Exhibit E**.

24. On May 8, 2008, RNC responded with a letter rejecting CafePress' arguments on the ground that CafePress is a for profit entity that sells t-shirts and other merchandise, concluding that its uses of the trademarks are, at most, commercial speech and hence unprotected. The letter asserted that the uses of CafePress users infringe and dilute RNC's trademarks, and again threatened treble damages in light of CafePress' continued support for its users' uses in the face of "several notices from the RNC." A copy of this letter is attached as **Exhibit F**.

25. On June 27, 2008, CafePress contacted RNC to discuss its complaints one last time; however the RNC refused to respond. As of the filing date of this Complaint there have been no further discussions between the parties, and the RNC's threat looms over CafePress' business and that of its users.

26. CafePress does not want to undergo the risk of being subjected to further claims for damages, and requests that the Court declare that CafePress is entitled to display and permit its users to sell items bearing those images.

CLAIM FOR DECLARATION OF NO TRADEMARK INFRINGEMENT OR DILUTION

27. CafePress hereby incorporates by reference the statements and allegations contained in Paragraphs 1-26 as if fully stated herein.

28. Based on the allegations described above and RNC's claims for damages, CafePress has a reasonable apprehension of being sued for trademark infringement, dilution and related claims by RNC for its and its users' fair use of the acronym "GOP" and/or various elephant designs in a non-trademark descriptive and ornamental manner.

29. CafePress now seeks a declaratory judgment from this Court that the use of the acronym "GOP" and/or various elephant designs on apparel, mugs, signs, posters, stickers, buttons, cards, prints and other expressive mediums on CafePress' website does not infringe, dilute, is not likely to dilute any trademark rights that RNC may have in the acronym "GOP" or the elephant design and such use does not violate any other rights of RNC, and does not damage RNC in any way.

30. CafePress now seeks a declaratory judgment that it and its users have neither infringed, nor diluted RNC's trademarks, and that it is not in violation of 15 U.S.C. § 1114, nor of 15 U.S.C. §§ 1125(a) or (c) nor of any similar state law, or any law whose violation RNC may assert through counterclaims.

31. CafePress now seeks a declaratory judgment that the elephant and the acronym "GOP" are generic terms that refer to individual Republicans, Republican groups, and Republican principles, and not specifically to RNC.

32. CafePress now seeks a declaratory judgment that any claims that it may have violated federal or state trademark laws are barred by the First Amendment to the United States Constitution, and by principles of fair use, including nominative fair use and parody under 15 U.S.C. §§ 1115(b)(4) and 1115(c)(3)(A), and ornamental use. Specifically, CafePress users are not using the

designs of elephants or the term "GOP" as trademarks or otherwise as an indicator of source.

PRAYER FOR RELIEF

WHEREFORE, CafePress prays that with respect to its claim, that this Court enter a Declaratory Judgment against RNC as follows:

1. Adjudging that the use of the terms "GOP" or "Grand Old Party" on t-shirts and other products featured, advertised, offered for sale, or sold on CafePress' website does not infringe any trademark or other rights that RNC may have in the term "GOP."

2. Adjudging that the use of the designs of elephants on t-shirts and other products featured, advertised, offered for sale, or sold on CafePress' website does not violate any trademark or other rights of RNC;

3. Adjudging that CafePress has not caused RNC damage in any way by the use of the terms "GOP" or "Grand Old Party" on t-shirts and other products featured, advertised, offered for sale, or sold on CafePress' website;

4. Adjudging that CafePress has not caused RNC damage in any way by the use of the designs of elephants on t-shirts and other products featured, advertised, offered for sale, or sold on CafePress' website.

5. Ordering that RNC and its partners, agents, members, licensees, companies which it owns and their subsidiaries, officers, agents, directors, servants, employees, partners, representatives, licensees, related companies, assigns, and attorneys, and all persons in active concert or participation with RNC or with any of the foregoing be enjoined from asserting RNC's alleged trademark rights in the terms "GOP" or "Grand Old Party", and in the elephant designs against CafePress or its users.

6. Granting an award of CafePress' costs, expenses, and reasonable attorneys' fees.

7. Granting an award of pre-judgment interest.

8. Granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

PAUL ALAN LEVY
GREG BECK
Public Citizen Litigation Group
1600 – 20th Street, NW
Washington, DC 20009
(202) 588-1000

Dated: July 16, 2008

MANATT, PHELPS & PHILLIPS, LLP
JILL M. PIETRINI

By: ______________________
Jill M. Pietrini

Attorneys for Plaintiff
CAFEPRESS.COM, INC.

EXHIBIT A

Republican
National
Committee

Counsel's Office

February 11, 2008

CafePress.com
Attn: Candice Carr
Intellectual Property Rights Agent
950 Tower Lane, Suite 600
Foster City, CA 94404

Delivered via email at: trademark@cafepress.com

Dear Madam:

It has been brought to my attention that vendors of CafePress.com are utilizing registered trademarks of the Republican National Committee ("RNC") without the permission of the RNC, please see attached. The RNC owns the trademarks for "GOP" (Federal Trademark Registration 2110224), "Grand Old Party" (Federal Trademark Registration 2020179), "Republican National Committee" (Federal Trademark Registration 1975707), "RNC" (Federal Trademark Registration 2486855), and the Official Elephant Logo (Federal Trademark Registration 1908397) and takes infringements upon its trademarks seriously. Please cease and desist from allowing vendors to utilize the federally registered trademarks of the RNC or we will be forced to consider a legal remedy.

I trust you understand the need and the right of the RNC to protect its ownership over its trademarks. Further, I trust that you appreciate the campaign finance law implications for your organization should an association be perceived between your organization and the RNC.

Thank you for your anticipated cooperation and immediate attention to this matter. Please contact me if you have questions.

Sincerely,

Sean Cairncross
Chief Counsel

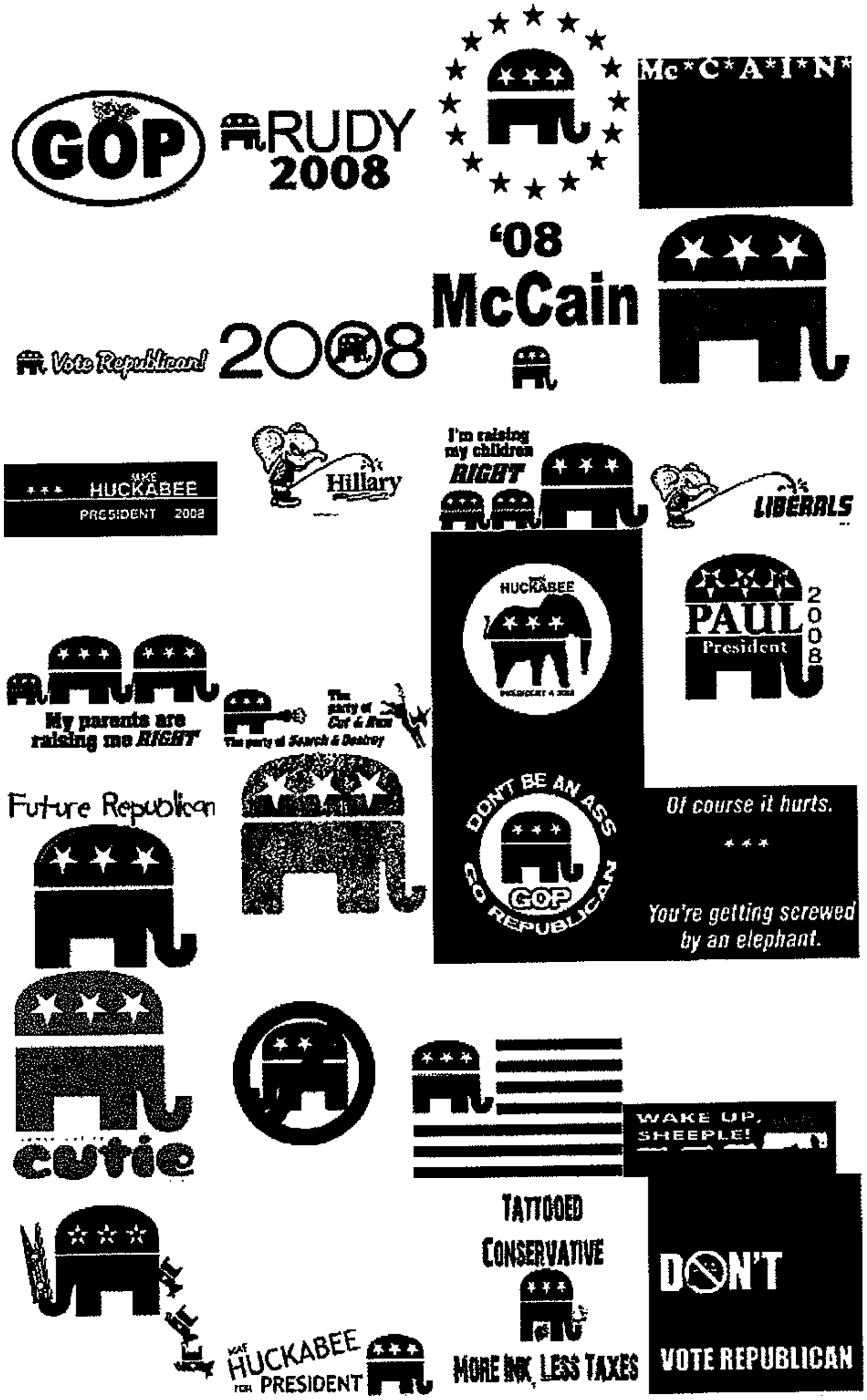
Attachment

Paid for by the Republican National Committee.
310 First Street, SE - Washington, DC 20003 - (202) 863-8500 - www.gop.com
Not authorized by any candidate or candidate's committee.

User Name	URL Link to Item	Description of Copyright/Trademark Infringement
Oval Stickers Online	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.28886752/pNo_28886752/id_8355782/opt_/pg_/c_/fpt	"GOP" Logo
Rudy Guliani in 2008 Central	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_1/id_5494661/opt_/fpt_/c_666/	Elephant Logo
Shop the Right Conservative Republican and Christian	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_1/id_5670386/opt_/fpt_/c_666/	Elephant Logo
Wear Your Vote	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_1/id_22920511/opt_/fpt_/c_666/	Modified Elephant Logo
Republican Fun T-shrts and Gifts	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.220525220/pNo_220525220/id_25661112/opt_/pg_/c_/fpt	Elephant Logo
Vote for Dem	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_2/id_24949400/opt_/fpt_/c_666/	Elephant Logo
Zappa2go	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.133763532/pNo_133763532/id_19576025/opt_/pg_/c_/fpt	Elephant Logo
Dilland Gregory Designs	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.211393307/pNo_211393307/id_25192587/opt_/pg_/c_/fpt	Elephant Logo
Dan H Designs Online Store	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.190282639/pNo_190282639/id_23710928/opt_/pg_/c_/fpt	Modified Elephant Logo
Right Wing Stuff	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.178247077/pNo_178247077/id_22864583/opt_/pg_/c_/fpt	"GOP" Logo
The Truth Store	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_5/id_23158071/opt_/fpt_/c_666/	Modified Elephant Logo
Track 'Em Down!	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_6/id_14256394/opt_/fpt_/c_666/	Elephant Logo
Boyersmile Graphics	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_7/id_23782527/opt_/fpt_/c_666/	Elephant Logo
Dan H Designs Online Store	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_7/id_23741975/opt_/fpt_/c_666/	Modified Elephant Logo
Don't Be an Ass Vote Republican	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_7/id_18035913/opt_/fpt_/c_666/	"GOP" Logo and Elephant Logo
LEFT	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_8/id_17714220/opt_/fpt_/c_666/	Elephant Logo
GOPclothes.com	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_8/id_5346850/opt_/fpt_/c_666/	Elephant Logo
Vote Progressive	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_8/id_15465943/opt_/fpt_/c_666/	Elephant Logo
GOPclothes.com	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_9/id_4849677/opt_/fpt_/c_666/	Modified Elephant Logo
Progressive Gear for Renewed America	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_10/id_15300311/opt_/fpt_/c_666/	Elephant Logo
Jest Designs	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_10/id_13380968/opt_/fpt_/c_666/	Elephant Logo
Shining City's Mike Huckabee For President Store	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_10/id_11775863/opt_/fpt_/c_666/	Elephant Logo
Right Wing Attitude Tees	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_11/id_11760033/opt_/fpt_/c_666/	Elephant Logo
Designed for You/Nagwear	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_13/id_14157350/opt_/fpt_/c_666/	Elephant Logo
RightWingStuff	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_13/id_13327835/opt_/fpt_/c_666/	Elephant Logo
Uber Goober Designs	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_14/id_14052196/opt_/fpt_/c_666/	Elephant Logo
Right Wing Gifts	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_15/id_21432068/opt_/fpt_/c_666/	Elephant Logo
Veer to the Right	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_15/id_24307123/opt_/fpt_/c_666/	Modified Elephant Logo
RightLeaning.com	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_15/id_12449671/opt_/fpt_/c_666/	Modified Elephant Logo
Right Wing Stuff	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_16/id_22914852/opt_/fpt_/c_666/	"GOP" Logo
Strk3-Propaganda Shirts, Stickers, and Gifts	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_16/id_10072905/opt_/fpt_/c_666/	Elephant Logo
Right Wing Stuff	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_13328061/opt_/fpt_/c_666/	Elephant Logo
The House Divided	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_18765650/opt_/fpt_/c_666/	Modified Elephant Logo
Wicked Wits	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_22939931/opt_/fpt_/c_666/	"GOP" Logo
Fun Tote Bags	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_20622577/opt_/fpt_/c_666/	Modified Elephant Logo
Milestones Maternity T-Shirts	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_20622577/opt_/fpt_/c_666/	Modified Elephant Logo
2008 Vote Mitt Romney T-Shirts	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_20622577/opt_/fpt_/c_666/	Modified Elephant Logo
Main Street Shirt Gifts and T-Shirts	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_17/id_20622577/opt_/fpt_/c_666/	Modified Elephant Logo
Election Blues	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.64687127/pNo_64687127/id_13317807/opt_/pg_/c_/fpt	Elephant Logo
ConservaGear	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_18/id_11529647/opt_/fpt_/c_666/	"GOP" Logo
Republican Red	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_18/id_6317101/opt_/fpt_/c_666/	Elephant Logo
American Zest Bumper Stickers	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.138327717/pNo_138327717/id_19881012/opt_/pg_/c_/fpt	"GOP" Logo
Republicans For Obama	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_19/id_16725424/opt_/fpt_/c_666/	Elephant Logo
Republican & Conservative Products	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_20/id_10509789/opt_/fpt_/c_666/	Elephant Logo
Republican Red	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.38967995/pNo_38967995/id_9793773/opt_/pg_/c_/fpt	Elephant Logo
Republican Girl	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_20/id_15317797/opt_/fpt_/c_666/	Modified Elephant Logo
Right Wing Swag	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_22/id_11014615/opt_/fpt_/c_666/	Modified Elephant Logo
Election Blues	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.49441586/pNo_49441586/id_11370859/opt_/pg_/c_/fpt	Elephant Logo

User Name	URL Link to Item	Description of Copyright/Trademark Infringement
Design To Shirt	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_22/id_20739517/opt_/fpt_/c_666/	Modified Elephant Logo
Right Wing Stuff	http://www.cafepress.com/buy/gop+republican/-/pv_design_details/pg_23/id_13369819/opt_/fpt_/c_666/	Modified Elephant Logo
Irregular Goods: For Progressive Resistance	http://www.cafepress.com/buy/gop+republican/-/pv_design_prod/p_storeid.78367684/pNo_78367684/id_14837246/opt_/pg_/c_/fpt_	"GOP" Logo

EXHIBIT B


GOP
RUDY 2008
Mc*C*A*I*N*
'08 McCain
Vote Republican!
2008
HUCKABEE PRESIDENT 2008
Hillary
I'm raising my children RIGHT
LIBERALS
HUCKABEE
PAUL President 2008
My parents are raising me RIGHT
The party of Search & Destroy
Future Republican
DON'T BE AN ASS GO REPUBLICAN GOP
Of course it hurts.
You're getting screwed by an elephant.
cutie
WAKE UP, SHEEPLE!
TATTOOED CONSERVATIVE MORE INK, LESS TAXES
HUCKABEE FOR PRESIDENT
DON'T VOTE REPUBLICAN

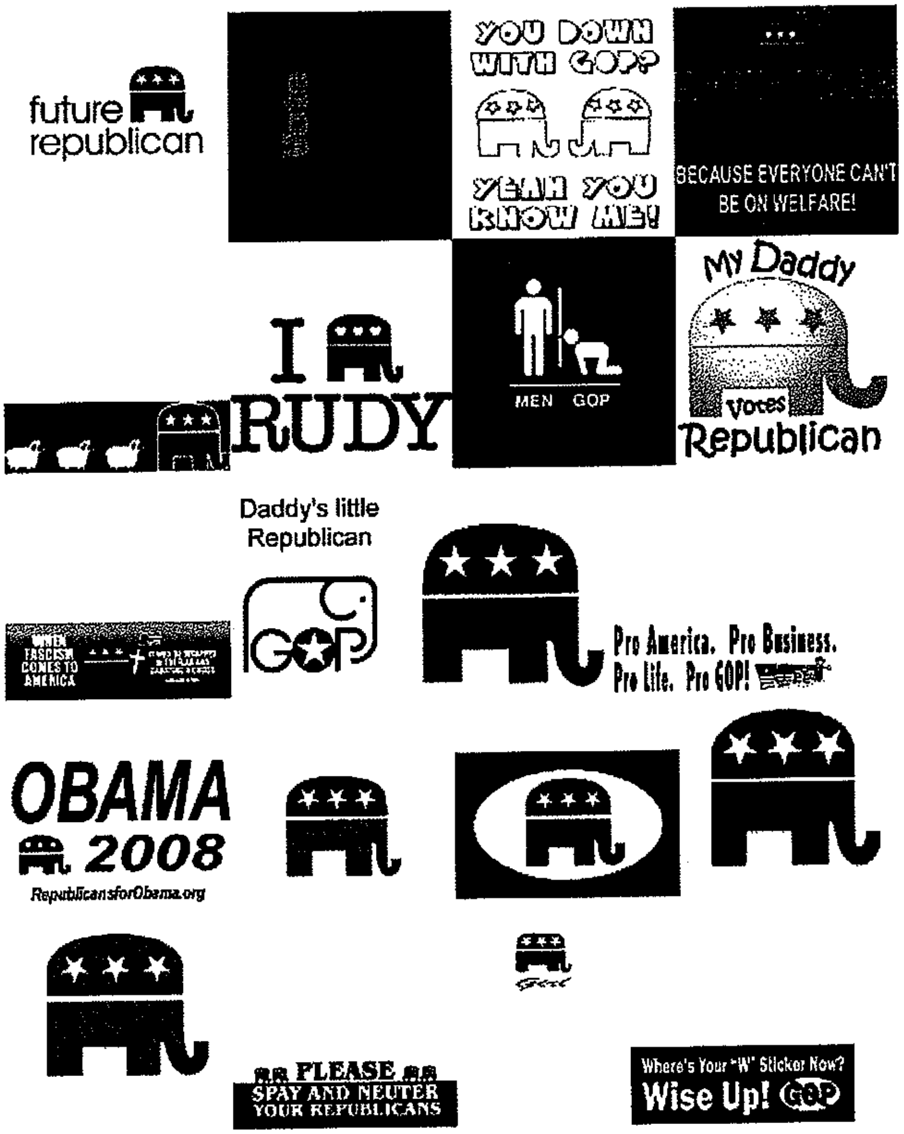

future republican
YOU DOWN WITH GOP?
YEAH YOU KNOW ME!
BECAUSE EVERYONE CAN'T BE ON WELFARE!
I RUDY
MEN GOP
My Daddy Votes Republican
Daddy's little Republican
WHEN FASCISM COMES TO AMERICA
GOP
Pro America. Pro Business. Pro Life. Pro GOP!
OBAMA 2008
RepublicansforObama.org
PLEASE SPAY AND NEUTER YOUR REPUBLICANS
Where's Your "W" Sticker Now?
Wise Up! GOP

EXHIBIT C

cafepress®

CafePress.com, Inc.
1850 Gateway Drive, Suite 300
San Mateo, CA 94404
Phone: 650-655-3000
Fax: 650-240-0260

VIA ELECTRONIC MAIL ONLY

March 7, 2008

Sean Cairncross
Chief Counsel
Republican National Committee
310 First Street, SE
Washington, DC 20003
vphillips@rnchq.com

Re: *Your February 11, 2008 Notification of Trademark Infringement*

Dear Mr. Cairncross,

Thank you for your February 11, 2008 notification regarding the possible infringement of the Republican National Committee's trademark rights by users of our service.

We have attempted to contact you via email on two separate occasions to coordinate a time for a conference call to discuss this matter, but our requests to schedule a time for such a call have gone unanswered. It continues to be our sincere desire to discuss this matter with the RNC so that we can better understand your concerns.

While we have carefully examined the document attached to your February 11, 2008 letter, which lists the URLs of product pages on our website, we strongly believe that before we can take any action with respect to your demands, we need to better understand what exactly it is you deem objectionable about certain user content appearing on CafePress. The trademarks you claim are infringed include well known political symbols, including the "elephant" logo and the acronym "GOP." The First Amendment confers a certain measure of protection for the unauthorized use of trademarks when that use is a part of the expression of a communicative message. This is particularly true when that communicative message is political in nature, given the long standing and well established historical protections afforded political speech. Speech conveyed through the use of a message on apparel items has long been held to be protected speech under the First Amendment, and apparel items have also been held to be permissible avenues for parodies, regardless of whether or not they are sold for a profit.

In short, given the above, without having a better understanding of the types of uses you deem objectionable, it is difficult for us to adequately and fully address your demands.

Please contact us at your earliest convenience to schedule a time to discuss this matter via telephone. Otherwise we will consider this matter closed unless we hear further from you.

Best regards,

Dan Pontes

1850 Gateway Drive /San Mateo, CA 94404 / 650-655-3024 / Fax 650-240-0260/ dpontes@cafepress.com

EXHIBIT D

Republican
National
Committee

Counsel's Office

March 11, 2008

Mr. Dan Pontes
CafePress.com, Inc.
1850 Gateway Drive
Suite 300
San Mateo, CA 94404

Re: Second Notice of Trademark Infringement

Dear Mr. Pontes:

I write in response to your March 7 letter in which you express confusion over the Republican National Committee's ("RNC") February 11, 2008 written cease and desist demand to CafePress.com over its continued and on-going unauthorized use of federally registered RNC trademarks. CafePress.com's unauthorized use of this RNC trademarked material is not a Constitutional issue, it is trademark infringement. Federal law regarding trademarks, including the penalties that attach to trademark infringements, is both longstanding and abundantly clear. *See* 15 U.S.C. §§ 1114, 1117 (2006). This letter constitutes a second demand from the RNC to CafePress.com to cease and desist its unauthorized use of RNC federally registered trademarks. This demand includes, but is not limited to, the trademarks described in my February 11, 2008 letter to CafePress.com.

I am hopeful that further action to defend our trademarked material will not be necessary. Notably, federal law imposes treble damages for willful unauthorized use of federally registered trademarks. Thank you again for your anticipated cooperation and immediate attention to this matter.

Sincerely,

Sean Cairncross
Chief Counsel

Paid for by the Republican National Committee. www.gop.com
310 First Street, SE • Washington, DC 20003 • 202-863-8638 • Fax (202) 863-8654
Not authorized by any candidate or any candidate committee.

EXHIBIT E

cafepress®

CafePress.com, Inc.
1850 Gateway Drive, Suite 300
San Mateo, CA 94404
Phone: 650-655-3000
Fax: 650-240-0260

VIA UPS OVERNIGHT MAIL & EMAIL

April 2, 2008

Sean Cairncross
Chief Counsel
Republican National Committee
310 First Street, SE
Washington, DC 20003
scairncross@rnchq.com

RE: RNC Allegations of Trademark Infringement

Dear Mr. Cairncross,

CafePress.com, Inc. ("CafePress") is in receipt of your letter dated March 11, 2008 regarding the Republican National Committee's ("RNC") objection to content created by users of the CafePress service. Please note that although your letter was dated March 11, 2008 we did not receive the letter until March 18, 2008.

As a preliminary matter, CafePress has offered numerous times to discuss this matter with the RNC in order to attempt to reach a compromise that would be acceptable to both the RNC and CafePress. However, to date, the RNC has refused to participate in such discussions and continues to make blanket and overreaching demands of CafePress under the guise of trademark infringement allegations. Trademark rights do not entitle an owner to quash unauthorized use of the mark by another who is communicating ideas or expressing points of view, especially when the ideas and views being communicated are of a political nature.

CafePress is a platform for passionate people to express themselves freely, and the content and merchandise they create are forms of creative self-expression. Whether it is a buyer who uses an expressive medium, such as a T-shirt or a poster, to communicate his views and opinions, or a seller who chooses to disseminate his opinions and views on merchandise, the users of the CafePress service convey their political and social messages through quintessential expressive mediums (e.g., T-shirts, posters, yard signs, buttons, and stickers).

In your March 11, 2008 letter you claim that the RNC's objection to our users' content "is not a Constitutional issue, it is trademark infringement." Contrary to your claim, "[t]he freedom to engage in political speech lies at the core of the First Amendment because the First Amendment reflects a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." Moreover, "when an individual engages in political speech through the display of [yard] signs...the 'speaker' employs a venerable means of communication that is both unique and important." "Thus, both the subject matter and medium of speech represented by...political signs are recognized as integral components of every citizen's First Amendment freedoms." *See McFadden v. City of Bridgeport, 422 F. Supp.2d 659, 670-671.* Further, "there is no question…that T-shirts are a medium of expression prima facie protected by the free-speech clause of the First Amendment, and they do not lose their protection by being sold rather than given away." *See Ayres v. City of Chicago, 125 F.3d 1010, 1015.*

"Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs. This of course includes discussions of candidates, structures and forms of government, the manner in which government is operated or should be operated, and all such matters relating to political processes." *See Mills v. State of Alabama, 384 U.S. 214, 218-219.* To argue that the use of symbols, such as an elephant, or terms, such as "GOP," to express support or criticism for Republicans and/or the Republican Party is trademark infringement is to argue that trademark law trumps the constitutional right of free expression deeply rooted in our nation's democracy.

Accordingly, the RNC's objection to our users' content is clearly a "Constitutional" issue. The existing case law recognizes that the use of marks in certain forms of artistic and expressive speech is protected by the First Amendment. If speech is not "purely commercial"—that is, if it does more than propose a commercial transaction—then it is entitled to full First Amendment protection. Trademark law protects source identifying use of a trademark, however, when a trademark is imbued with expressive value and a meaning outside the bounds of source identification the mark assumes a role outside the bounds of trademark law. Were we to ignore the expressive value that some marks assume, trademark rights would grow to encroach upon the zone protected by the First Amendment. *See Mattel, Inc. v. MCA Records, Inc. 296 F.3d 894.*

For the reasons set forth above CafePress will not accede to your demands. Once again, we are more than willing to have an open dialog with the RNC to determine if there is a compromise to be had. Feel free to contact me directly if you would like to discuss this matter further.

As always, we must include the following formalities. CafePress disputes all claims and allegations of infringement, and nothing contained in this letter is intended, nor shall be construed as an admission of any wrongdoing or liability on behalf of CafePress or the users of the CafePress service. This letter is not intended, nor shall it be construed as a full statement of all the facts and circumstances relating to this matter. Nothing contained in this letter, nor any act or omission to act by CafePress is intended or should be deemed to be a waiver, abridgement, alteration, modification or reduction of any rights, claims, defenses or remedies that CafePress may have in regard to this matter and all such rights, claims defenses and remedies, whether at law or in equity, are hereby expressly reserved.

Very truly yours,

Candice Carr
Corporate Counsel

1850 Gateway Drive /San Mateo, CA 94404 / 650-655-3016 / Fax 650-240-0260/ ccarr@cafepress.com

EXHIBIT F

Republican
National
Committee

Counsel's Office

May 8. 2008

Ms. Candice Carr
CafePress.com, Inc.
1850 Gateway Drive, Suite 300
San Mateo, CA 94404

Re: Third Notice of Trademark Infringement

Dear Ms. Carr:

I write in response to your April 2 letter in which you express confusion over the Republican National Committee's ("RNC") March 11, 2008 second written cease and desist demand to CafePress.com over its continued and on-going unauthorized use of federally registered RNC trademarks. CafePress.com's unauthorized use of this RNC trademarked material is not a Constitutional issue, it is trademark infringement. Federal law regarding trademarks, including the penalties that attach to trademark infringements, is both longstanding and abundantly clear. *See* 15 U.S.C. §§ 1114, 1117 (2006).

Your assertion that the objectionable actions of Cafepress.com constitute political speech is wrong as a matter of law. Cafepress.com is a for-profit entity. Cafepress.com exists to sell its services to "individuals, organizations and businesses to create, buy and sell customized merchandise online...." *Cohen*, *Ayres*, or any other precedent you have cited do not apply. Marketing and selling tote bags, t-shirts, bumper stickers, and other merchandise is, at most, commercial speech.

A claim that all of your commercial actions constitute parody also is wrong as a matter of law. Parody must be clear that it is parody and not protected property. The products in question are tied to commercial use, and do not qualify as parody. Your use of our property is dilutive; and your merchandise will more likely than not mislead consumers to believe that it is sponsored or endorsed by the Republican National Committee.

This letter constitutes a third demand from the RNC to CafePress.com to cease and desist its unauthorized use of RNC federally registered trademarks. This demand includes, but is not limited to, the trademarks described in my February 11, 2008 and March 11, 2008 letters to CafePress.com.

Paid for by the Republican National Committee. www.gop.com
310 First Street, SE • Washington, DC 20003 • (202) 863-8638 • Fax (202) 863-8654
Not authorized by any candidate or candidate's committee.

I am hopeful that further action to defend our trademarked material will not be necessary. Notably, federal law imposes treble damages for willful unauthorized use of federally registered trademarks. The fact that Cafepress.com has received several notices from the RNC, coupled with your assertion of patently inapplicable legal theory, suggests Cafepress.com's unauthorized use of RNC trademarks is willful and intentional. Thank you again for your anticipated cooperation and immediate attention to this matter.

Sincerely,

Sean Cairncross
Chief Counsel

UNITED STATES DISTRICT COURT

for the

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CAFEPRESS.COM, INC., a Delaware corporation

Plaintiff

v.

REPUBLICAN NATIONAL COMMITTEE, an unincorporated political association of D.C.

Defendant

Civil Action No. CV08-04654 GPS (RCx)

Summons in a Civil Action

To: *(Defendant's name and address)*

REPUBLICAN NATIONAL COMMITTEE

A lawsuit has been filed against you.

Within **20** days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jill M. Pietrini, Esq.
MANATT, PHELPS & PHILLIPS, LLP
11355 West Olympic Boulevard
Los Angeles, California 90064

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SHERRI R. CARTER

Name of clerk of court

LA'REE HORN

Date: JUL 16 2008

Deputy clerk's signature

SEAL OF THE U.S. DISTRICT COURT CENTRAL DIST. OF CALIFORNIA

1192

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

COPY

American LegalNet, Inc.
www.FormsWorkflow.com

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFF
CAFEPRESS.COM, INC., a Delaware corporation

DEFENDANT
REPUBLICAN NATIONAL COMMITTEE, an unincorporated political association of D.C.

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **District of Columbia, D.C.**
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Jill M. Pietrini, Esq.
Manatt, Phelps & Phillips, LLP
11355 West Olympic Boulevard
Los Angeles, California 90064
310-312-4000

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury— Med. Malpractice
☐ 365 Personal Injury — Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☐ 445 Amer. w/Disabilities - Employment
☐ 446 Amer. w/Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt.Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus – Alien Detainee
☐ 465 Other Immigration Actions

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☒ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND $ According to proof

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE
July 16, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # ____________ AMOUNT ____________ APPLYING IFP ____________ JUDGE ____________ MAG. JUDGE ____________

CV08-04654

COPY

American LegalNet, Inc.
www.FormsWorkflow.com

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. **(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
Date and Attorney Signature. Date and sign the civil cover sheet.

American LegalNet, Inc.
www.FormsWorkflow.com

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): ______

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): ______

Civil cases are deemed related if a previously filed case and the present case:
(Check all boxes that apply)
☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Delaware

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	District of Columbia DC

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

*** Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties**
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): ______ **Date** ______

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))